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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

TAMARA DOWNEN, Individually and)
as Personal Representative for the)
ESTATE OF STANLEY L. DOWNEN,)
Deceased,)

Plaintiff,)

-vs-)

MONTANA VETERANS' HOME;)
STATE OF MONTANA)
DEPARTMENT OF PUBLIC HEALTH)
AND HUMAN SERVICES; CITY OF)
COLUMBIA FALLS; MIKE)
JOHNSON; and DAVID G. PERRY)

Defendants.)

Cause No. CV-13-121-M-DWM

**PLAINTIFF'S COMBINED
MOTIONS *IN LIMINE* AND
MOTION FOR SPOILIATION
SANCTIONS**

COMES NOW Plaintiff, Tamara Downen, by and through her counsel of record, and respectfully submits the following Motions *in Limine*.

- Motion *in Limine* #1: To exclude evidence or testimony related to Stanley Downen's prior criminal convictions;
- Motion *in Limine* #2: To exclude evidence or testimony related to any of Stanley Downen's episodes of violent outbursts unrelated to the tasing incident;
- Motion *in Limine* #3: To exclude evidence or testimony related to other members of the Downen family, including but any drug or alcohol use;
- Motion *in Limine* #4: To exclude evidence or testimony or implication that the motive for this suit is monetary;
- Motion *in Limine* #5: To exclude evidence or testimony from Columbia Falls Police Officers regarding Stanley Downen's medical condition;
- Motion *in Limine* #6: To exclude evidence or testimony regarding apportionment of injuries;
- Motion *in Limine* #7: To exclude evidence or testimony related to the identity of the parties' attorneys or their prior cases; and
- Motion *in Limine* #8: To exclude evidence or testimony of motions *in limine*.

Additionally, Plaintiff respectfully requests an order for sanctions due to spoliation of evidence because the Defendant Columbia Falls Police Department failed to properly preserve potentially exculpatory evidence. In the alternative, Defendants should not be permitted to refer to the rocks Mr. Downen carried as "weapons."

Pursuant to L.R. 7.1(c)(1), Defendants' counsel has been contacted

regarding this motion. Counsel for Defendant, City of Columbia Falls objects to these motions. Although Plaintiff's counsel has not received a response from counsel for Defendants, Montana Veterans' Home and State of Montana Department of Public Health and Human Services, we believe he will object.

Pursuant to L.R. 7.1(d)(1)(A), a brief in support has been filed concurrently with this motion.

DATED this 18st day of December, 2013.

By: /s/ W. Adam Duerk

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